

Message Text

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TO AMEMBASSY MONTEVIDEO PRIORITY

C O N F I D E N T I A L STATE 051236

E.O. 11652: GDS

TAGS: SHUM, UY

SUBJECT: LETTER TO PRESIDENT MENDEZ FROM ABA PRESIDENT
SPANN

REF: STATE 35275

1. WILLIAM B. SPANN, JR., PRESIDENT OF THE AMERICAN BAR ASSOCIATION, HAS WRITTEN A LETTER TO PRESIDENT MENDEZ IN SUPPORT OF THE MISSION TO URUGUAY TO BE HEADED BY WILLIAM BUTLER. THE TEXT OF THE LETTER DATED FEBRUARY 23 FOLLOWS. PLEASE TRANSMIT TO MENDEZ BY DIPLOMATIC NOTE WITH THE INDICATION THAT THE ORIGINAL IS BEING FORWARDED THROUGH THE EMBASSY;SY. BUTLER ADVISES THAT THIS IS THE FIRST FOREIGN MISSION TO BE ENDORSED BY THE AMERICAN BAR ASSOCIATION.

2. BEGIN TEXT: DEAR MR. PRESIDENT.

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AS A FELLOW LAWYER, I AM TAKING THE LIBERTY OF WRITING TO YOU ON BEHALF OF THE AMERICAN BAR ASSOCIATION, AND ITS MEMBERS WHO NUMBER OVER 220,000, TO EXPRESS OUR CONCERN, BASED ON REPORTS COMING TO US, WITH REGARD TO THE ARREST AND PROSECUTION OF DEFENSE LAWYERS IN URUGUAY ON CHARGES ARISING OUT OF THEIR PERFORMANCE OF THEIR PROFESSIONAL DUTIES ON BEHALF OF INDIVIDUAL CLIENTS.

WE ARE CONFIDENT THAT YOU ALSO BELIEVE IN AND SUPPORT THE
RULE OF LAW AND RECOGNIZE THE NEED FOR AN INDEPENDENT
JUDICIARY AND FOR THE INDEPENDENCE OF LAWYERS TO CARRY OUT
THEIR DUTIES ON BEHALF OF THEIR CLIENTS.

NEEDLESS TO SAY, WE ARE MOST ANXIOUS TO MAKE CERTAIN OF
THE RELEVANT FACTS. I HAVE BEEN ADVISED THAT THE
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK HAS SELEC-
TED TWO WELL QUALIFIED LAWYERS, WILLIAM J. BUTLER OF THE
NEW YORK BAR AND LUIS REQUE OF THE BOLIVIAN BAR, TO GO
TO MONTEVIDEO AS A MISSION TO MAKE INQUIRY INTO THE
FACTS AND CIRCUMSTANCES SURROUNDING THE ARREST AND
DETENTION OF DR. RODOLFO SCHURMANN PACHECO, DR. FRAGA
AND TWO OTHERS. I HAVE RECEIVED A COPY OF THE LETTER
OF THE PRESIDENT OF THAT ASSOCIATION TO YOU DATED
FEBRUARY 7, 1978.

IN THAT LETTER, MR DEWIND REFERS TO THE RESOLUTION OF
THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION
ADOPTED FEBRUARY 24, 1975, REAFFIRMING THAT ASSOCIATION'S
SUPPORT FOR THE RULE OF LAW IN THE INTERNATIONAL
COMMUNITY AND ITS RECOGNITION OF THE NEED FOR AN
INDEPENDENT JUDICIARY AND FOR THE INDEPENDENCE OF LAWYERS
AS ESSENTIAL ELEMENTS IN MAINTAINING THE RULE OF LAW.
THUS, THE AMERICAN BAR ASSOCIATION AND I AS ITS
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PRESIDENT ARE EQUALLY INTERESTED IN ASCERTAINING THE
FACTS IN THIS SITUATION AND, RATHER THAN CONSIDERING
A SEPARATE MISSION, WISH TO EXPRESS TO YOU THE HOPE
THAT THE MISSION WILL HAVE ADEQUATE OPPORTUNITY TO TALK
WITH THE APPROPRIATE AUTHORITIES IN YOUR COUNTRY, AND
ALSO TO INTERVIEW THE FOUR LAWYERS MENTIONED. DR.
SCHURMAN PACHECO, I UNDERSTAND, ENJOYS AN INTERNATIONAL
REPUTATION AS A LAWYER AND A PROFESSOR AND WE WOULD BE
PARTICULARLY INTERESTED IN DEVELOPING THE FACTS IN HIS
CASE.

MY SOLE CONCERN, AND THAT OF OUR ASSOCIATION, IS FOR THE
MATNTENANCE OF THE RULE OF LAW AND THE ELEMENTS
NECESSARY TO SUSTAIN IT, INCLUDING THE INDEPENDENCE OF
LAWYERS AND THEIR ABILITY TO CARRY OUT THEIR PROFES-
SIONAL DUTIES IN REPRESENTING THEIR CLIENTS. I CAN
ASURE YOU THAT WE HAVE NO POLITICAL MOTIVE WHATSOEVER
IN WRITING TO YOU.

RESPECTFULLY YOURS,
(SIGNED) WM. B. SPANN, JR.
END TEXT. VANCE

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